

G. R. S. IX-5]

Previous references.

Legis 38-11(1-3) 1915-16
(Legislative)

File No. 30-15

Serial Nos. 1 & 2

Later references.

224-17

Preserve
for
23/7/19

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

20

Part B for August 1917

SUBJECT.

Amendment of the Mysore
Muzrai Regulation, 1913.

to Abdur Rahman
17. 9. 17 Khan

1915-16.
191-15-75

GENERAL AND REVENUE SECRETARIAT.

(*Legis.*)

NOTES.

Legis. File No. 30-

FILE HEADING.

*Amendment of the Mysore
Muzrai Regulation, 1913.*

From

No.		Dated		Received	
Diary No.	}	Enclos.	Spare Copies.	}	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS

Extracts from the 1st Members orders at pages 6 and 7 of the notes in Muz. 571 of 1913-14.

1) When the order of 1910^x was passed, I lost sight of the F.B. case of the chief court in which two of the judges held that

x No 825- Muz.
387-08-14 dated
27th Sep. 1910

*Mysore C.R. Vol. VIII P.1
H.C.R. III P.13*

Serial
No.

all cases of Pujari rights were outside the jurisdiction of the civil courts. This decision was lost sight of when the Muzrai Regulation was passed. The present dispute however is not affected by the Muzrai Regulation which came into ~~force~~ effect only from 1st January 1914.

Even now, I am not disposed to agree with the contention that civil courts have no jurisdiction and that Muzrai officers have jurisdiction in case of Temples which are not Muzrai institutions as defined in the Muzrai Regn. In the F.B. case, the temple in question had an iram granted by Govt. and was therefore a Muzrai Institution. I cannot therefore hold that that decision is an authority on this point.

2) The Muzrai Regulation has reproduced the matter of the Chief Court's circular and made it more definite and to remove all doubts, the circular of the Chief Court may be repealed by

g hms -55-16

G. R. S. 12]

General and Revenue
Secretariat.

Legis File No. 30

of 1915

Serial
No.

*an amending Regulation, The
Legislative Department may be
asked to submit a draft*

*X X X X
X X X X*

*Ms 551-13
7.12.14 in 82 III 1/14
6.12.14 in 82 III 1/14
(g hms 253-16) 9/12/14
file returned to
the 571-13 in 17/12/14
and placed back in
the 300 on 10/12/15*

*Intd. H.V.N.
6/8/14*

*1)
Submitted with a draft amending
Bill.*

*CB
28/14/15
rq.*

*2) In favour approval
ES
29/1*

Intd. Member)

*3) The drafts are appd
The file may be circulated
for Council.*

13/1/16

Devar)

4) Lajra

*due 5/10
5/11
ES
15/1*

*3626
15-1-16*

(Comm. Completed)

*c.s. on 18/1/16 ab
ES 19/1*

*6) appd.
2 new
21/1/16*

*5) Lajra
all
20/1/16*

Jm 285-14

File No. 30 of 1915.

Serial
No.

8) A draft final note is submitted for approval.

Es
19.1

Int-Member)

9) Final note signed by the Trust member is put up.

176
7/7/16

due
- 8/1

10) Draft note of Subordinate is submitted for approval.

Es
8/2

Secy)
Deputy)

Deputy Secy Lao
8/2

41150
8.2.16

(For disposal by circulation)

No. C. 96

25/1 1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule)

Draft Bill to amend the Mysore Muzrai Regulation, 1913.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasimha Rao.

Secretary to Government.

19th January 1916.

Extraordinary Member of Council. Opinion recorded by the Extraordinary member.

21-1-16. Done

First Member of Council.

Seen by the First Member of Council.

Second Member of Council.

Opinion recorded by 2nd

Done 21/1

Final Note by the First Member of Council.

Subject:— Bill to amend the Mysore Muzrai Regulation, 1913.

11) In the Full Bench case of *Appaiya* versus Beere Gowda (18 M.L.R. I.) the Chief Court held that the circular order of the Chief Commissioner of Mysore issued on the 26th. October 1854 prohibiting the institution of suits for pujari rights in civil courts, not having been cancelled or repealed, the jurisdiction of the civil courts in such ~~matters~~ matters is excluded even as regards pujaris of private temples which are not Government institutions and which are not under the management of the Muzrai Department.

12) The Muzrai Regulation, 1913, has reproduced the matter of the Chief Commissioner's circular and made it more definite by applying it only to the case of Muzrai Institutions. Thus the case of pujari rights in institutions other than Muzrai Institutions has been left unprovided for.

13) This Bill is therefore framed in ~~order~~ *order* to remove all doubts in the matter and to bring such cases under the jurisdiction of the ordinary civil courts, by expressly repealing the Circular order of the 26th. October 1854.

14) The Bill was considered in Council and the ~~M~~Members of Council are agreed that the bill

2.

may be introduced into the Legislative Council.

5/2/16

H. M. S. Munday

First member of Council

Submitted to His Highness.

T

15-) I submit herewith a Final^x Note by the First Member of Council regarding the amendment of the Mysore Muzrai Regulation, 1913.

2

46) 2. If approved by His Highness, the Bill will, as recommended by the Council, be placed before the Legislative Council.

34-

4. 14' 20" 10" 10" 10"

18th Feb 1916

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN.....February.....1916.

[illegible]

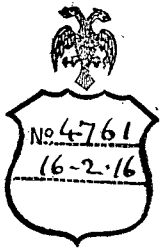
NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at once	...	...	...	...	a
File may be submitted after His Highness' return	...	...	...	...	b
File may not be submitted at all	..	...	...	...	c

J. 9th 255 AD

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.



Amendment of the Muzrai
Regulation.

748

Order.

17) ~~KRUP~~
25/2/16

Secy (Genl)
H. M.
28/2/16

B. V. III

M. 1/3/16

48) Dr. J. K. S. 1/3

Serial
No.

19)

Subv. with a draft D.O. to the Resident
which has to be issued from the Dewan's
Office. The copy of the Bill has to be attested.
to be sent to the Residency

cb

6/3/16

9/2/16

20) For approval

B

7/3

Secy)

Dewan)

Dy. Secy

10/3

8/10

61734

10-3-16

Draft approved by the Dewan has been issued

and placed in file (Please see No. 3855 dated 11.3.16).

14/3

CPR

1. D.O. No. 3853 dated 11th March 1916

to the Honble the Resident in Mysore

forwarded a copy of the Bill with
statement of objects and reasons

2. D.O. No. 1854 dated 15/3/16

From the first Asst to the Honble the
Resident in MysoreInforms that the Resident has
no prima facie objection to the Bill
being laid before the Legis. Cl.

Subv.

The Bill will be included
in the Agenda for the next meeting
when it comes off.

cb
18/3/16 9/2/167/3
8/10

Legis

File No.

30

of 1915

Serial
No.

Subs. The Bill was ~~passed~~
placed before the Legis. Council
on 28th April 1916 and leave
to introduce the Bill was granted
by the Council that day. The Bill
was then read and referred to
a select Committee on 29th
June 1916. The select Committee
met on the 20th Dec: 1916
and the Bill was recommended
~~to be~~ dropped by the select
Committee to be dropped.
It is not known whether a
formal motion to that
effect is necessary or whether
the file may be recorded now.

30/1/17
30/1/18

May be recorded

30/1/18

Diary No. of letter replied to _____

D. O. No. 3855 of 11. Mar 16.
En: 2 No.

General and Revenue Secretariat

()
the 191 .

To

*My dear Sir*Date of issue 11. 3. 16.Signed by Dewan

I enclose herewith
 copy of a Bill to amend
 the Mysore Muzrai Regulation
 1913, The statement of
 objects and reasons explain
 clearly the scope of the
 measure

H. The Bill will be placed
 before the Legislative Council
 in due course.

*yours very sincerely**11.3.16.**RB**Devaran**Due (1)*

SUBJECT.

To
 The Honble
 Col. Sir Hugh Daly K.C.I.E., C.S.I.
 Resident in Mysore
 Bangalore.

WAC
6/3/16.

Bill to amend the
Mysore Muzrai Regulation, 1913

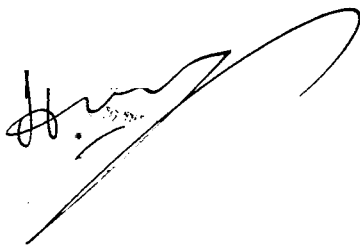
Whereas it is expedient
to amend the Mysore
Muzrai Regulation, 1913;
His Highness the Maharaja
is pleased to enact as follows:

Addition of a new
section after section
38.

After section 38 of the
Regulation ^{the following} a new section
shall be inserted as
section 39.

Repeal
Flag I.

"39. The Chief Commissioner
circular order No. 30 dated
26th October 1854, prohibiting
the institution of suits
for pujan rights in ~~the~~
Civil Courts is hereby
repealed."



Statement of Objections and reasons

Flag I

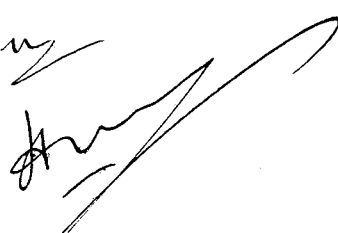
In the Full Bench case of *Apariya vs Beera Gowda* (18 M.L.R. 1) the Chief Court have held that the Circular Order of the Chief Commissioner of Mysore issued on the 26th October 1854, prohibiting the institution of suits for *pigari* rights in Civil Courts, not having been cancelled or repealed, the jurisdiction of the Civil Courts in such matters is excluded, even as regards *pigars* of private temples which are not Government institutions and which are not under the management of the Government *Muzrai* Department.

The *Muzrai* Regulation

has reproduced the
matter of the Chief Commu-
circular and made it
more definite by applying
it only to the case of
Muzrai Institutions

Thus the case of ^{pagan} right
in institutions other than
Muzrai Institutions has
been left unprovided
for

To remove all doubts
in the matter and bring
such ^{cases} ~~suits~~ under the
jurisdiction of the
ordinary civil courts
it is now proposed
to expressly repeal the
circular order of the
26th October 1857.

Es
agm


Legis 30-15-2

J 2521

D. O. No. 3424.

BANGALORE.

D. O. No. 1854.

16 March 1916

My dear Dewan Sahib

I am desirous to acknowledge, with thanks,
the receipt of your d.o. letter No. 3855, dated the
11th March 1916, forwarding a copy of a Bill to
amend the Mysore Muzrai Regulation, VI of 1913.

Sent by

16-3-16.

du

recd. 7/3

5/3/16

Yr sincerely

ac

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore.

Yr

7/3

W2

NOTIFICATION.

No. 429—L. C. dated Bangalore the 30th May 1916

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following bill to amend the Mysore Muzrai Regulation, 1913, is published for general information together with a statement of objects and reasons.

By Order,

G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the Mysore Muzrai Regulation, 1913.

Whereas it is expedient to amend the Mysore Muzrai Regulation, 1913; His Highness the Maharaja is pleased to enact as follows:—

After section 38 of the Regulation the following
new section shall be inserted as section 39.

Addition of a new section after section 38.

“39. The Chief Commissioner’s Circular Order No. 30, dated 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts is hereby repealed.”

Repeal.

STATEMENT OF OBJECTS AND REASONS.

In the Full Bench Case of *Apajia vs Beeragowda* (18 M. L. R.) the Chief Court have held that the Circular Order of the Chief Commissioner of Mysore issued on the 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts, not having been cancelled or repealed, the jurisdiction of the Civil Courts in such matters is excluded, even as regards pujaris of private temples which are not Government institutions and which are not under the management of the Muzrai Department.

The Muzrai Regulation has reproduced the matter of the Chief Commissioner’s Circular and made it more definite by applying it only to the case of Muzrai institutions. Thus the case of pujari rights in institutions other than Muzrai institutions has been left unprovided for.

To remove all doubts in the matter and bring such cases under the jurisdiction of the ordinary Civil Courts it is now proposed to expressly repeal the Circular Order of the 26th October 1854.

NOTIFICATION.

No. 293—L. C., dated Bangalore, 25th January 1917.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council the following report of the Select Committee, appointed to consider the Bill to amend the Mysore Muzrai Regulation, 1913, is published for general information.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

**Report of the Select Committee on the Bill to amend
the Mysore Muzrai Regulation, 1913.**

We, the members of the Select Committee appointed to consider the Bill to amend the Mysore Muzrai Regulation, 1913, have the honor to submit the following report to the Council. We have examined the Bill and consider that, in view of the Full Bench decision in 12 M. C. C. R. 255 (*Mallegowda versus Kodisidda*), that the Civil Courts in Mysore have jurisdiction in cases relating to pujari rights in respect of temples, etc., which are not under the control or management of the Muzrai Department, the Bill is unnecessary.

We therefore recommend that the Bill may be dropped.

M. KANTARAJ URS.
C. SRIKANTESVARA AIYAR.
C. S. DORASWAMI IYER.
H. NARASINGA RAO.